



C.L. "BUTCH" OTTER
GOVERNOR

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OFFICE OF THE
EXECUTIVE SECRETARIAT

August 23, 2013

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

Re: Docket ID No. EPA-R08-OAR-2012-0026

Dear Administrator McCarthy,

I am writing to express my concern about the U.S. Environmental Protection Agency's (EPA) recent decision forcing Wyoming to accelerate compliance to address regional haze goals, and the effect these actions will have on Idaho citizens. While Idaho appreciates and understands the merits of reducing visibility impacts on national parks and other Class I areas, EPA Region 8 appears not to be following the intent of Congress in its implementation of the Regional Haze Rule.

Congress had multiple goals when it passed the Clean Air Act. First and foremost was that air quality should be improved, and made a priority. However, Congress also recognized that there was significant investment in electricity generating units (EGU), and thus allowed for a gradual rather than immediate reduction of emissions to be extended until 2064. 64 Fed. Reg. 35714, 35732; 40 CFR Part 51 (July 1, 1999). This was to allow EGUs already operating to realize their full value and be fully depreciated, and to encourage replacement after this time with a more efficient and cleaner facility.

The Western Regional Air Partnership (WRAP) is a collaborative effort of tribal governments, state governments, federal land management (FLM) agencies, EPA and other stakeholders representing an array of viewpoints. The intent of WRAP was to provide technical and policy tools to develop recommendations first for the Grand Canyon Transport Commission and then to comply with the EPA's regional haze regulations. The states, tribes, FLMS, and EPA worked collaboratively to develop the tools and policies that were the backbone for regional haze plans submitted by the states. As part of this process, all the organizations worked together closely and consulted with one another on each state's overall reductions, long-range plans and reasonable benchmarks. Idaho is in agreement with Wyoming's regional haze emission reductions and overall plan.

As part of the regional haze plans, states were to explore requiring the installation of Best Available Retrofit Technologies (BART) on certain facilities that were built between 1962 and 1977. The WRAP states all followed EPA's Appendix Y BART guidance published on July 6, 2005. This instructed the states to look at:

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- cost of compliance
- energy and non-air quality environmental impacts of compliance
- remaining useful life of the sources, and
- degree of visibility improvement which may reasonably be anticipated from the use of BART

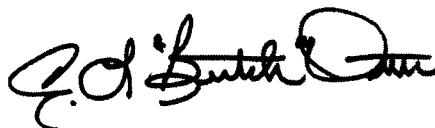
The states worked very closely with affected facilities to determine what was technically feasible and assessed other variables in making BART determinations. It now appears EPA Region 8 has made blanket determinations, stating that selective catalytic reduction (SCR) for nitrogen oxide removal is required on all EGUs without conducting site specific reviews at each facility. Since SCR was not required under the Clean Air Interstate Rule or the Cross State Air Pollution Rule on each EGU in the eastern part of the country, it appears to be arbitrary that the EPA is now requiring SCR on EGUs in Wyoming.

It seems that EPA has only focused on the impact that will occur in Wyoming without considering the ancillary impacts to Idaho and other states. Much of the electricity generated in Wyoming is part of a joint venture with multiple utility companies that supply electricity to other states, including Idaho. The consequences of EPA's decision will have a significant impact on Idaho ratepayers. Prior to enforcing its proposal on the Wyoming State Implementation Plan, EPA Region 8 must solicit input and fully analyze the economic impacts in Idaho and all other affected jurisdictions.

Moreover, EPA's concern about air quality issues occurring from electricity generation pales in comparison to the air quality issues generated in Idaho from wildfires. In 2012 alone, wildfires in Idaho sent more than 12 million tons of carbon dioxide into the atmosphere. This is significantly more than the approximately 3 million tons from fuel combustion and industrial processes. Idaho anticipates similar statistics this year. The failure of the federal government to appropriately manage its land and the resulting carbon dioxide that enters the atmosphere from wildfires on federally managed land trivializes EPA's attempt to improve air quality with its Regional Haze requirements.

I urge the EPA to adopt the Wyoming Regional Haze State Implementation Plan in its entirety and withdraw its proposal that fails to consider the realities of cost and timing that the State of Wyoming has so carefully crafted.

As Always – Idaho, “Esto Perpetua”



C.L. “Butch” Otter
Governor of Idaho

Cc: Idaho Congressional Delegation
Governor Matt Mead, Wyoming
Western Governors' Association
Shaun McGrath, Administrator, EPA – Region 8
Carl Daly, Director of Air Program, EPA – Region 8